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INTERNAL POLITICAL SETTLEMENT IN SOUTH VIET-NAM
ISSUES, POSITIONS AND ALTERNATIVES

I. INTRODUCTION

The US has a great deal at stake in how an internal political settlement may be shaping up in South Viet-Nam. This is true not only in terms of the ultimate outcome of our overall effort there, but also as a major consideration in our current negotiating strategy. It ^{is} now ~~seem~~ clear that negotiations will not progress until political issues are discussed at the same time as military issues. We must therefore start to shape in more specific form our own ideas on the type of internal political settlement we wish to see eventually. We should begin by examining the general issues and possibilities involved in internal political settlement, in order that we and the GVN can establish a reasonable and forthcoming negotiating position on the subject which will support our overall objectives and help move the negotiations along. The purpose of this paper is:

1. To outline the basic factors involved in an internal political settlement in South Viet-Nam;
2. To determine the basic interests and current positions of the parties involved;

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3. To examine the broad alternative means of political settlement; and

4. To discuss various alternative negotiating strategies on the subject.

It should be noted at the outset that the word "settlement" could connote a somewhat misleading sense of finality. A "political settlement" is looked upon by both the communists and the GVN as primarily an instrument with which the struggle for control of South Viet-Nam will be continued. For some time this struggle is likely to continue messy, uncertain, and probably violent to some degree regardless of the terms, written or tacit, of any initial political settlement.

II. FACTORS INVOLVED IN INTERNAL POLITICAL SETTLEMENT

The determination of a political settlement will be a highly complicated process, involving a number of basic and intertwining factors combined in varying degrees of compromise and concession. Listed below are several of these factors, all or nearly all of which would have to be taken into account in some fashion in any conceivable agreement. Also listed is a description of the broad range of choice each factor could entail.

It should be noted that the actual range of choice is considerably narrower, since the political and military

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situation in South Viet-Nam renders some options unrealistic at present and in the foreseeable future. It might also be noted that the choices are interdependent, the degree of compromise or concession under one factor often widening or narrowing the range of feasible choice under another (or several others).

A. US Role/US Troop Withdrawals: US actions are a prime political consideration within South Viet-Nam. Both communist and GVN willingness to move toward some form of compromise political settlement will be greatly affected by what the US does, particularly on the all-important matter of US troop withdrawals.

The range of possibilities encompasses both the agreed conditions of withdrawals or reduction and the extent or pace at which they might actually take place. The most advantageous politically to the GVN would be an agreed mutual US/NVA withdrawal not tied specifically to a political settlement, leaving the GVN in a free (and probably stronger) position to deal with the NLF alone and more on its own terms. Other possibilities then range from mutual withdrawal tied formally or informally to an overall political settlement, through various degrees and stages of unilateral US reductions with GVN concurrence, to unilateral reductions without full GVN agreement.

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B. Elections: The idea of elections as part of a political settlement assumes that the political contest between the GVN and the NLF will be waged at least partly -- and perhaps largely -- through the open electoral process. Both sides have openly endorsed the general idea of elections, but their ideas differ quite widely on the kind of elections and the conditions under which they are held. An open national election which offered a clear choice between the communist and non-communist sides (e.g. a presidential election where two such candidates were contesting in a runoff) would favor the GVN, since the NLF would be shown up as the minority they actually are. The communists would obviously favor national elections only under their own conditions, or at least under conditions where a straight GVN-NLF electoral confrontation could be avoided and where the natural political divisions on the non-communist side could be exploited. Below the national level, straight electoral confrontations might be more evenly contested, or might even favor the NLF, in some cases.

Beyond the general idea of elections, the range of detailed possibilities is quite wide. It includes regular constitutionally-scheduled general elections, new general elections, a variety of local or partial elections, or even a referendum. It includes elections within the present GVN constitutional framework or beyond it. It also involves the important consideration of election modalities, i.e. what the electoral procedures are, who establishes them and carries them out, etc. Possibilities here range from using current GVN-established procedures, through various modifications in these, to the fixing of entirely new

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procedures under joint GVN-NLF commissions (perhaps with some degree of "neutral" international participation as well). The ultimate possibility along this line, of course, is the formation of a "peace cabinet" or "coalition" government (see below) for the purpose of fixing election procedures and holding elections.

The possibility also exists that elections will be used only to ratify a previously-agreed political settlement among the South Vietnamese themselves. Or, part of the agreement might be to postpone a binding electoral decision until a later date. This would remove the electoral process as a major factor in the initial settlement, at least (although it may create future difficulties -- e.g. the reunification elections called for in the 1954 Geneva Agreements).

C. Constitutional Process: The present constitutional system is one of the most basic sources of political strength for the GVN at present. It provides not only the basic institutional framework around which non-communist political strength is presently organized, but also a political symbol of great importance to the groups comprising the bulk of that strength. The Constitution itself must therefore be considered an element of prime importance in political settlement, whether it is included or set aside. The Constitution appears subject to considerable expansion through interpretation, or to reasonable amendment if necessary, to facilitate settlement. However, a decision to alter it fundamentally or to set it aside completely would entail serious risks politically within South Viet-Nam and must be considered with great caution.

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Various alternatives in consideration of the Constitution range from preservation of the Constitution intact and with all provisions enforced, to full preservation but with some provisions deliberately reinterpreted to facilitate settlement, through constitutional amendments of varying degree, to setting the Constitution aside and/or replacing it with a new basic law.

D. Assurances and Guarantees of Personal Security:

This deals with the reintegration of all local elements in the conflict into a peaceful South Vietnamese society. This concerns principally the problem of reestablishing lawful citizenship and full civil rights and protection for NLF members (but it also applies to some extent to assurances of physical security for those on the GVN side as well). Credible guarantees against GVN reprisals would be essential to ultimate NLF political participation (see paragraph E. below).

The possibilities range from the present GVN National Reconciliation program (full rights to all NLF individuals who lay down arms, renounce communism, and respect the Constitution), through extension of this program to unrepentant individual communists or to the NLF as a group, to a GVN-declared full amnesty, and to a complete amnesty agreed to by both sides.

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E. Political Participation: This involves the actual extent to which the NLF and its members are allowed to compete for political power in the South through peaceful means and constitutes a major factor in settlement. The possibilities range from individual participation under the present National Reconciliation program (see above), through various degrees of tacit NLF participation as individuals or as a group, to open and full NLF participation as a group or party in both electoral and non-electoral political activity.

Participation also involves the extent of communist identification the NLF will have -- ranging from GVN insistence on NLF renunciation of communism, through GVN acceptance of the NLF as ostensibly "non-communist", to open and full identification as a communist party. ✓

F. International Supervision: This would provide for an outside, relatively neutral, presence of some sort to facilitate and/or oversee the political arrangements agreed to by both sides. It may or may not actually be part of a settlement, and it might be difficult to arrange even if desired. Consideration would depend in any case on the sponsorship, composition, and duties of such a body or group. Possibilities include UN, other Asian, expanded ICC, or other sponsorship and composition, and duties might range from observation only to full supervision of such political arrangements as elections and amnesties.

G. Territorial Accommodation: This would involve some arrangement, specifically agreed or ^{tacit} ~~test~~, which allowed the NLF to retain full or nearly full control of portions of South Viet-Nam. Obviously, the degree and extent of such control would be a

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crucial consideration, since they would in turn affect each side's prospects in national-level political competition.

Some degree of local accommodation will be implicit in any political settlement, and it could be an important interim factor allowing postponement of a more definitive political decision at the national level.

Possibilities include GVN acceptance of local VC administrations elected under the GVN electoral system, or simply GVN acceptance of de facto VC control in certain areas without elections, or GVN acceptance -- in varying degrees -- of "liberation committees" the VC claim they have "elected", or a more formal agreed partition (in effect) of the country.

H. Integration of Forces: This deals with the problem of how and to what extent the conflicting armed forces might be brought together and reduced, disarmed, or disbanded, or just how and in what degree they would remain intact. Possibilities range from disarming and disbanding of all VC forces under a GVN amnesty, through varying degrees of integration of local VC forces into the overall GVN force structure, to the continued existence of separate armed forces for both sides in different places in the country.

I. National Political Leadership: This is the most sensitive and crucial issue -- i.e., who actually exercises national political power and to what extent. It involves primarily the allocation of executive power -- President, Prime Minister, cabinet ministers, and perhaps to some degree sub-cabinet posts -- but could also conceivably apply to legislative power and influence.

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The range of possibilities divides into two distinct categories, the first involving retention of essentially the present GVN leadership and the second involving either its replacement or its radical downgrading in a coalition. The first category ranges from maintenance of the current GVN executive leadership intact, through broadening of the cabinet in varying degree to bring in non-communist elements more favorably disposed toward the NLF (or at least more acceptable to the NLF in a political settlement).

The second category is essentially the communist demand for replacement of the present GVN by a government in which Hanoi and the NLF would have a voice or at least significant influence and which they could manipulate (or pressure) much more easily. Theoretically, at least, the possibilities include the following: a "peace cabinet" excluding both GVN and NLF or pro-NLF leaders; the same "peace cabinet" but with some obviously pro-NLF figures (e.g. from the communist-inspired "Alliance"); a "coalition" including both GVN and NLF leaders; and a "coalition" excluding present GVN leaders.

In the legislative branch, possibilities range roughly from retention of the present Assembly intact, through appointing of NLF or pro-NLF deputies to additional seats, to disbanding the present Assembly and electing or selecting a new one.

III. OBJECTIVES AND CURRENT POSITIONS

A. US. The basic US objective in an internal political settlement is to help assure the right of self-determination for South Viet-Nam by transferring the armed conflict (or as much of it as possible) to the arena of free and peaceful competition among the South Vietnamese. Clearly, we wish to

assure the best possible prospects for the non-communist side in this competition.

The fundamental US position is self-determination for the South Vietnamese people. We have said that whatever internal political solution is worked out freely among the South Vietnamese themselves is acceptable to us.

We have previously said that this self-determination should be through elections on a "one man, one vote", basis, and that we oppose the imposition of a coalition government or any other form of government on the South Vietnamese. Ambassador Bunker's confidential letter of November 25, 1968, to President Thieu stated "... If Hanoi raises the issue of an internal political solution in South Viet-Nam our joint position...should be that a political solution should be based on the principles of the Constitution, elections, and the policy of National Reconciliation..."

More recently, we have reiterated the self-determination formula, and President Nixon said on May 14 that elections should be held under agreed procedures and supervision of an international body. We have not reiterated the "one man-one vote" formula, nor have we undertaken additional specific commitments to the Constitution. We have said the type and timing of elections, the possibility of constitutional amendments, and other internal political issues are matters to be worked out by the South Vietnamese themselves in talks between the GVN and NLF..

Regarding VC participation in South Vietnamese political life, we have publicly said that each significant group in South Viet-Nam

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should have the opportunity to participate in the political life of the nation, and that such participation should be open to all political elements that are prepared to do so without the use of force or intimidation. In private, we have urged the GVN to accept the NLF as a political entity allowed to compete fully, fairly, and openly for political power in South Viet-Nam by peaceful means.

We have never taken specific positions on territorial accommodation or integration of forces.

A tactical objective of ours is maintenance of the maximum flexibility possible on the issue of internal political settlement. This is not only consistent with our position on "self-determination", but it recognizes that the South Vietnamese themselves may well come up with their own unique solution, and we would want to avoid premature commitment to any particular type of settlement. This does not mean, however, that we should not be prepared to take a stand and exercise our influence when necessary to the achievement of our overall negotiating objectives.

B. GVN. The basic GVN interest in an internal political settlement is, quite simply, to survive, i.e. to use political as well as military means to prevent being overcome by the Communist threat.

Obviously, the GVN would wish to maximize its chances in any political competition. In the GVN's eyes, this would probably mean: retention of the present Constitution intact; retention of the present GVN leadership; VC participation in elections under GVN ground rules; minimal or no territorial accommodation or integration of VC forces; and possibly some degree of international

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supervision. GVN demands might be scaled down gradually from this by varying the degree of several or all of these elements.

At a minimum the GVN would almost certainly want: retention of the constitutional process in some form; retention of some if not necessarily all the present GVN leadership; and degrees of accommodation in the other elements which assured the GVN of a reasonable chance to maintain its national authority and integrity. Obviously, the GVN cannot be expected to adopt minimum terms below the threshold at which the risk of a political defeat is greater than a military one. Pressure on the GVN to do so would encourage the military and important civilian groups within South Viet-Nam to feel that only continued armed conflict would assure their political survival, and they would very likely take action -- including possible violent action -- to prevent GVN acceptance of such terms.

The GVN's current position on political settlement, as taken from both public and private statements, includes the following:

(1) No coalition government with the communists, and no acceptance of the latter's demands for a "peace cabinet". No "provisional" or interim government to hold elections.

(2) Maintenance of the present constitutional system, with possible reinterpretation or even amendments to facilitate settlement.

(3) Elections as a major element in political settlement (although the GVN may not necessarily exclude initial settlement by non-electoral means). Possible VC participation in deciding and carrying out election modalities, perhaps through joint commissions. Type and timing of elections flexible, with possibility

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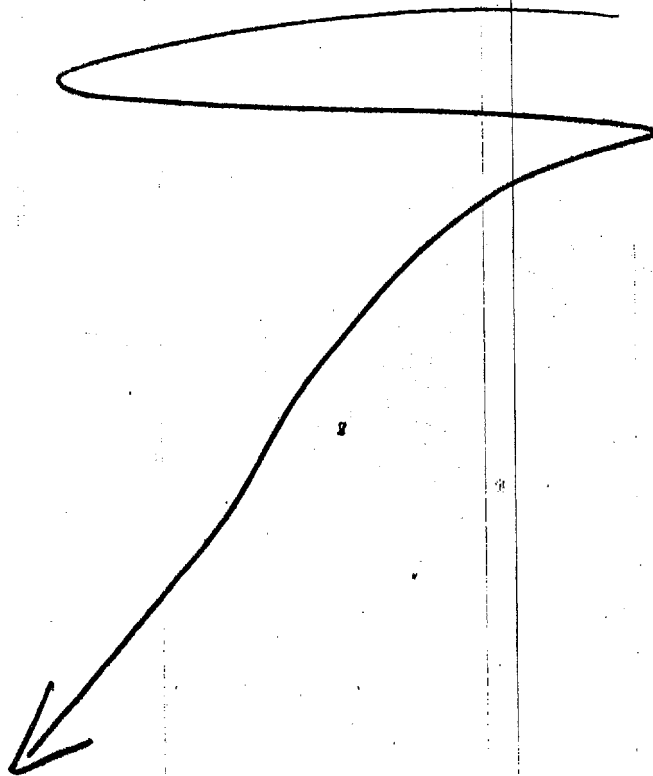
of elections other than those specifically scheduled in the Constitution.

(4) NLF participation as a group, provided it accepts the Constitution and agrees to use peaceful means. Possible acceptance of the NLF as a communist party.

(5) Possible international observation or supervision of elections and amnesties.

(6) Possible general amnesty to all NLF members who renounce violence and participate peacefully.

(7) The GVN has taken no specific position on either territorial accommodation or integration of VC forces, although there is some implication that these might be accomplished in part through VC participation in GVN-held local elections.



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C. Hanoi/NLF. Hanoi's and the NLF's basic objective in a political settlement would be to cause, by political means as well as through a continuation of military force, the overthrow of the present GVN and the establishment of arrangements which would give the NLF a stronger base from which to proceed to a full takeover of political power in South Viet-Nam. They are apparently willing to see this takeover come about on a step-by-step basis rather than all at once, i.e. through an intermediate "peace cabinet" or "provisional coalition government", and then a more "permanent" coalition before the final takeover. However, the communists will not regard a "political settlement" in South Viet-Nam as the end of the conflict. For them, it is merely a new arena in which they can conduct their struggle by different means, with less emphasis on major military pressure and more emphasis on subversion, terror, and political maneuvering.

The communists' current demands are along this line, i.e. the immediate scrapping of the Constitution, replacement of the present GVN leadership, and forming of a coalition or quasi-coalition replacing the GVN. If these major demands were achieved, the VC would have little interest in, or need for, considering other factors such as VC participation, territorial accommodation, and integration of forces.

The minimum that Hanoi and the NLF would have to be assured of in any conceivable political settlement would be

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a reasonable chance for eventual seizure of political power through peaceful means. This would probably require a rather high degree of VC participation in the political process, including elections under other than strictly GVN ground rules. The minimum would also have to include arrangements by which NLF members could assure themselves of personal security and some degree of organizational survival, e.g. an enforceable amnesty, perhaps some degree of localized VC control or at least some areas where VC could be assured of physical protection.

As far as the current DRV/NLF position is concerned, we know it only through their public statements and propaganda or second-hand from intelligence reports or from intermediaries such as the Soviets. We will not know what they are actually willing to negotiate until private talks with them on political settlement actually commence.

So far their position seems to center mainly on the demand for either a "peace cabinet" or -- more recently -- a "provisional coalition government". Either way, the call is essentially for replacement of the GVN leadership (although there are occasional reports that one or more GVN leaders "might" be retained). However, it is on this issue of national leadership that the communists have shown the most flexibility, ^{so far} For some time, their most forthcoming position was a "peace cabinet" which did not include any members named by the NLF but, rather, one consisting of non-communist personalities

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(e.g. militant Buddhists, leftist politicians) and perhaps including elements of the current GVN but excluding Thieu, Ky, and Premier Huong. Their latest proposal for a "provisional coalition" leaves ambiguous the exact participation and could conceivably include GVN leaders. The communists make clear, however, that this is to be an interim arrangement, i.e. that such a "peace cabinet" or "provisional coalition" will run the country on an interim basis only and will eventually give way to a "permanent" or "official" coalition government with full NLF participation.

On elections, the other side has said there can be no such thing as free elections in South Viet-Nam as long as American troops remain (although the NLF's recent 10 point program now leaves this less clear). What elections they have mentioned so far follow a "peace cabinet" or "provisional coalition".

The communists demand abolition of the present GVN Constitution and call for a new one after a "provisional coalition" government is established. On political participation, they have ridiculed the GVN's insistence that the NLF disband itself and re-form under another name, and in any case they have shown no indication they are willing to participate under the present constitutional framework or legal system.

They have given no indication of their position on territorial accommodation or integration of forces. But these are issues which affect the communist power base directly and immediately and on which they can be expected to bargain

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the hardest. For instance, their exaggerated claims of control over the rural population indicate they will assert that most of the countryside is already their preserve. So far they have rejected any form of UN or other outside participation in a political settlement, except perhaps for limited "observation" of elections already under their control.

IV. POSSIBLE ALTERNATIVE MEANS OF SETTLEMENT

Considering the factors and the basic interests and positions of the parties noted above, one might outline three very broad, general, and rather sharply-contrasting alternative types of settlement. Obviously, these alternatives are greatly oversimplified for purposes of discussion. Certain elements of one may be borrowed for another; and a great many combinations, permutations, and shadings of each are possible. This is particularly true when one considers the range of choice within each individual factor itself, as noted in Part II above.

The broad alternatives and the advantages and disadvantages of each are as follows:

A. Elections, Retention of Constitution and GVN

Leadership: This would include maintenance of the present Constitution essentially intact, with certain constitutional obstacles (e.g. Article 4 prohibiting all forms of communism) deliberately reinterpreted or perhaps amended where necessary. It would also include retention of essentially the present

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GVN leadership, except for changes in accord with constitutional process (e.g. changes in the cabinet to broaden the GVN and to bring in respectable non-communist personalities whose presence might facilitate political settlement). Elections would be considered a major element, with type and timing flexible but still within general constitutional bounds. The NLF would be allowed to participate as a political party, either under a new label or perhaps under its own. The National Reconciliation program would be extended, possibly to include an amnesty at the proper time. There would be no explicit territorial accommodation, although some de facto territorial accommodation might result from local elections under the GVN electoral system. NVA forces would be withdrawn, VC main forces would be disbanded or withdrawn from the country, and VC local forces would be largely disarmed.

(1) Advantages. This arrangement would offer the non-communist side the best chance for success in a political competition. In preserving the Constitution and present GVN leadership, it offers by far the best prospect for continued political stability on the non-communist side in South Viet-Nam. By emphasizing the free electoral process and offering VC participation on reasonable terms, the US and GVN would be offering a settlement based on self-determination and in terms broadly acceptable to domestic and world. (Hanoi and the NLF would have difficulties in accepting such an offer but would also be faced with some problem in turning it down). US/GVN cooperation and agreement would be virtually assured, since these represent either agreed positions or positions which seem within reach of agreement.

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(2) Disadvantages. The major disadvantages obviously turn on the likely unacceptability to the other side at this time. This means the prospects for early acceptance are slim, with a possible buildup of pressures both within South Viet-Nam and the US for further concessions. US flexibility, would also be limited somewhat, since we would be making a further commitment to the present GVN leadership, the constitutional system, and the principle of elections as a means of settlement.

B. Territorial Accommodation. In essence, this alternative would offer the VC a large degree of territorial control in the countryside in exchange for VC recognition and acceptance (agreed or de facto) of GVN national authority. VC claims to control in rural areas would be accepted in significant degree, possibly including the recognition of certain so-called "liberation committees" allegedly elected in VC territories. Local VC forces would retain themselves intact in these areas; but VC main forces might or might not be withdrawn or disbanded. The Constitution would be preserved in its fundamentals, but several important articles might have to be substantially reinterpreted or amended. There might or might not be some nominal NLF or pro-NLF political participation at the national level (e.g. in the Assembly). But the major emphasis would be on local-level political competition and accommodation, and the question of

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ultimate national-level political participation and control might well be left unresolved for the time being.

(1) Advantages. The GVN would retain its national authority and constitutional legitimacy, bolstering its own claim to be the true representative of the South Vietnamese people and weakening the NLF's similar claim. This alternative also provides more flexibility and likelihood for early acceptance, in that it offers the VC assurances of physical protection and full or nearly full local control of at least part of the country in which to maintain themselves.

(2) Disadvantages. This alternative risks de facto partition of the country, removing GVN authority almost completely from large areas and allowing the VC secure areas in which to receive outside assistance unimpeded and to build their strength for further assaults on the GVN. The GVN's "national" authority might thus be undermined from the start and threatened with further (and probably greater) risks of attack in the future. The effect on the non-communist body politic in South Viet-Nam would be negative, since this would appear a major concession to the VC in exchange for what the GVN already claims to have, i.e. national authority. It could also result in substantiating and "legitimizing" exaggerated VC claims of control in the countryside. Finally, the sheer difficulty of negotiating such an accommodation is best illustrated by the deeply conflicting claims of the two

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sides -- the VC claim 80% of the population and the GVN claims about the same.

C. "Peace Cabinet". This would involve changing the present GVN leadership and substituting non-communist figures who would be more acceptable to the other side in negotiations. This would probably require setting aside the Constitution completely, either tacitly or formally. This "peace cabinet" would in turn negotiate directly with the NLF, although it would not necessarily consider itself just a temporary step to a full coalition government. Depending on the outcome of negotiations, the new government might hold new elections and set up a new constitutional system of its own.

(1) Advantages. The major advantage of this alternative is its flexibility, particularly in timing and acceptability to the other side. It would also receive the support of certain South Vietnamese groups not now lined up behind the general GVN peace position (e.g. the militant Buddhists, some Southern intellectual groups). Such a government might also receive greater international support as a more "representative" GVN, i.e. one more "interested" in negotiating a "real" peace.

(2) Disadvantages. This runs an extremely high risk of creating serious political instability in South Viet-Nam. It would undermine the present power structure and constitutional

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system, antagonizing the major organized non-communist groups which now have a stake in it, and would almost certainly bring a reaction from these groups as well as the armed forces, who would be violently opposed to the new "peace cabinet". Against both this opposition and communist pressure, the new cabinet's chances of survival would be small. It might well have to be sustained even more directly by the US, and the US would thereby assume a more direct moral and political responsibility for the outcome of any political settlement which emerges. A much-weakened GVN ally and overt anti-Americanism are the likely results of such an alternative, since it would concede to the communists their major immediate political demand and would reverse our long-standing support of the constitutional process in South Vietnam.

V. POSSIBLE NEGOTIATING STRATEGIES

Negotiations on internal political settlement will be especially complex and difficult for the US. Our influence and impact on events in this field can be enormous, yet it is the negotiating issue over which we have the least direct control and can speak with the least authority. It offers perhaps the most fertile field for potential US/GVN discord which the other side can exploit. It is

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also a field where the role of negotiations themselves is unclear.

We must therefore choose our negotiating strategy with particular care on this issue. Listed below are several general considerations and some alternative negotiating strategies which might be applied.

A. General Considerations.

1. GVN Initiative: Our position on self-determination, plus political considerations involving our relations with the GVN and the GVN's own domestic requirements, argue strongly for the GVN taking the initiative on our side in negotiations on internal political settlement. We have in the past publicly assured them of the leading role in this field. Our own role has been largely an indirect one, an approach which has worked well so far in encouraging new GVN flexibility on political settlement. We should try to maintain this approach to the extent possible and as long as it serves our overall negotiating objectives adequately.

We must also recognize, however, that we are a major factor in the negotiations on this subject and that at some point we ^{want and} may/need to exercise our influence more directly. We should also, therefore, consider negotiating strategies with this contingency in mind.

2. Relation to Other Issues: As the overall Strategy Paper points out, negotiating progress on

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on political settlement will depend on progress on other issues and vice-versa. In addition, from the tactical negotiating standpoint, the positions the GVN takes on internal political settlement will be greatly affected by developments in other aspects of negotiations.

(Favorable progress on mutual withdrawal, for instance, would almost certainly bring a more forthcoming GVN position on many of the factors and issues noted in Section II above.)

3. Relation to Actions in SVN: As the Strategy Paper also points out, progress toward political settlement can also proceed separately from progress in the negotiations per se, as a result of actions taken on the ground in South Viet-Nam by the GVN (and later the NLF). It is quite conceivable, for instance, that the GVN and NLF could work out de facto or tacit means of political participation and local accommodation quite apart from formal agreements in Paris or elsewhere.

The role we play in encouraging the GVN to be as forthcoming as possible along these lines may thus be as important as any role we assume in more formal or direct negotiations on political settlement.

4. Soviet and French Interest: Both the Soviets and the French have shown themselves particularly interested

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in the issue of internal political settlement in South Viet-Nam. Whatever their usefulness and relative "neutrality" as intermediaries on other issues, we should keep clearly in mind that on political settlement both the Soviets and the French have advocated the "peace cabinet" and/or coalition solution in various but essentially similar forms.

B. Alternative Negotiating Strategies.

1. The two-track system: This involves two separate stages of the negotiations, one between ourselves and the DRV on military matters, and the other between the GVN and NLF on internal political settlement. The two tracks would proceed more or less in tandem.

(1) Advantages: This strategy takes into account to the fullest extent the need for, and advantages in, GVN initiative. It also offers us a high degree of flexibility, since publicly, at least, we need only be committed to whatever solution the GVN and NLF -- i.e. the South Vietnamese -- come up with themselves. (Privately, of course, we would hopefully have had a major influence on such a solution.) It helps the GVN maintain its domestic political position by showing the GVN as the leader in shaping the political future of South Viet-Nam. It reduces to the minimum any potential US/GVN disagreement in the actual negotiating process.

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(2) Disadvantages: One disadvantage is that there seems to be little early prospect of the NLF agreeing to this arrangement, since it would accord the GVN greater recognition than the other side has so far been willing to give and would relieve public opinion pressures on the US Government. Another possible disadvantage is that we would be less able to influence the outcome of such negotiations on political settlement directly and would have to rely to a greater extent on the GVN.

2. Four-Party Talks: This would involve all four parties to the Paris talks meeting to discuss internal political settlement (as well as other issues).

(1) Advantages: One advantage probably would be one of timing, i.e. a better chance of early agreement from Hanoi and the NLF. It also gives us a more direct role in the total negotiations and their outcome. In addition, discussion of political settlement in the same forum with other issues might well encourage progress on all of them.

(2) Disadvantages: The GVN leadership is on record as assuring its own public opinion that internal Vietnamese affairs are not the proper subject of an international conference. The GVN may thus run into domestic political difficulties on this score. Another disadvantage is that the US would be more deeply involved in, and

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ultimately more responsible for, the outcome of any political settlement reached in the talks.

3. Bilateral US/DRV Talks: This would mean that the US and DRV would discuss internal political settlement on behalf of the two South Vietnamese parties, who themselves would not be represented at such talks. We would, of course, consult with the GVN closely.

(1) Advantages: This might have a corresponding positive effect on the negotiating of other issues such as mutual withdrawal. A possible additional advantage is the greater control the US would have over how the issues are presented and negotiated on political settlement.

(2) Disadvantages: This would cause the GVN serious political problems, both domestically and internationally. It would be contrary to the assurances we have already given the GVN, and it might make much more difficult the obtaining of GVN agreement on this issue as well as others. The arrangement would almost certainly be used by the other side to stimulate further disagreement between ourselves and the GVN. It might also be interpreted by the DRV as a sign of over-eagerness on our part, thus lessening the DRV incentive to make serious concessions. Another disadvantage is an even deeper US responsibility for the eventual outcome of the political settlement reached.

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4. US/NLF Talks. These would involve direct talks between ourselves and the NLF, presumably with the express purpose of reaching a quick political settlement in the South.

(1) Advantages: Except for the possible advantage of speed in reaching agreement to talk, there are no advantages in this alternative. The only conceivable circumstances under which it might be advantageous would be to ease slightly the pain of a headlong American retreat from South Viet-Nam.

(2) Disadvantages: This arrangement would totally undermine the GVN's domestic and international position. Chances for US/GVN cooperation would be virtually nil. Such an arrangement would give the NLF far greater recognition than it deserves, and the Communists -- and other South Vietnamese -- would so interpret this as a virtually complete NLF victory.

5. Negotiations Through Intermediaries: This would involve negotiations through the Soviets and/or the French probably, in order to get around the obstacle of arranging talks on political settlement among the principals involved.

(1) Advantages: The major advantage would simply be in getting the talks going and getting substance discussed without the negotiating modalities themselves taking on substantive importance. In addition, this would

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involve the Soviets and French to some extent in the ultimate outcome of the political settlement, making them responsible at least in part for its success.

(2) Disadvantages: The use of a "broker" always involves the risk of misinterpretation and misunderstanding, and can result in more rather than less trouble once an agreement is apparently reached (e.g. the "understanding" of the bombing halt last October/November). The "neutrality" of either the French or the Soviets is of course questionable, particularly on political settlement, and it is unlikely that more truly neutral parties would be acceptable to the DRV/NLF.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions: From the above the following conclusions appear to emerge:

1. While the theoretical range of possibilities is quite broad, the feasible choices available to us are actually rather limited by present political and military considerations.

2. Our choice is also limited to some extent by public and private positions we have already taken, or encouraged the GVN to take, on political settlement.

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3. We know the GVN's position on political settlement in great detail; we know it has evolved considerably already and from it we can probably assume a serious GVN interest in negotiating a political settlement. The other side's position, from what we see of it, has also shown some movement but little apparent interest so far in a settlement except on their own terms. The two sides remain far apart on the issue.

4. The issue is an extraordinarily sensitive one within South Viet-Nam, considered a life-and-death matter by major political groups there. The positions we take, and ask the GVN to take, on the issue can have profound psychological effects even before they become part of an actual settlement.

5. What position we take on negotiating strategy could in itself have a serious effect on the internal political situation in South Viet-Nam and may be as important as the stance we adopt on the actual substance of a settlement.

B. Recommendations:

1. That we continue to maintain the maximum flexibility possible for our position on this issue, broadly consistent with the positions we and the GVN have taken already.

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2. That we continue to examine all the feasible options under Parts II and IV above, but focus our initial consideration on the details of Part IV, alternative A. ("Elections, Retention of Constitution and GVN Leadership") and the range of possibilities under it.

3. That we focus the choice of our negotiating strategy on the first two alternatives under Part V above, i.e. the "two-track" or "four-party" systems.

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